

REMARKS

The Applicants thank the Examiner for the thorough consideration given the present application. Claims 1-9, 11-16, and 21-23 are pending. Withdrawn claims 17-20 are canceled without prejudice to or disclaimer of the subject matter set forth therein. Claim 10 was previously canceled. Claims 1, 4, 8, 9, 11, 15, 16, and 21 are amended, and claims 22 and 23 are added. Claims 1 and 21 are independent. The Examiner is respectfully requested to reconsider the rejections in view of the amendments and remarks set forth herein.

Reasons for Entry of Amendments

At the outset, it is respectfully requested that this Amendment be entered into the Official File in view of the fact that the amendments to the claims automatically place the application in condition for allowance.

In the alternative, if the Examiner does not agree that this application is in condition for allowance, it is respectfully requested that this Amendment be entered for the purpose of appeal. This Amendment reduces the issues on appeal by canceling withdrawn claims 17-20 and adding dependent claims 22 and 23, thereby reducing the number of pending claims by two. This Amendment was not presented at an earlier date in view of the fact that the Examiner has just now presented new grounds for rejection in this Final Office Action.

Restriction Requirement

The Examiner has made the Restriction Requirement final, and has withdrawn claims 17-20 from further consideration. By this Amendment, Applicants have canceled non-elected

claims 17-20. Applicants reserve the right to file one or more divisional applications directed to claims 17-20 at a later date if so desired.

Acknowledgement of Information Disclosure Statement

The Examiner HAS acknowledged the Information Disclosure Statement was filed on July 13, 2004, but HAS NOT acknowledged the Information Disclosure Statement filed on June 27, 2001. Clarification is requested in the next official communication.

Rejection Under 35 U.S.C. §103(a)

Claims 1-9, 11-16 and 21 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Evans et al. (U.S. 6,775,647). These rejections are respectfully traversed.

Independent claims 1 and 21

While not conceding the appropriateness of the Examiner's rejection, but merely to advance prosecution of the instant application, each of independent claims 1 and 21 is amended herein to recite a combination of elements directed to apparatus for estimating a manufacturing cost for a product, including

a cost calculation processor for calculating the manufacturing cost based on information inputted from said first input device, and cost factor data which is independently supplied from an external supplier using a second input device; and

a display device simultaneously displays at least two of the plurality of calculated manufacturing costs for the plurality of process series so that the at least two of the plurality of calculated manufacturing costs can be compared.

Support for the combination of elements set forth in each of claims 1 and 21 can be found in the specification, for example, in paragraphs [0035] and [0043]. See also FIG. 6.

As a result of these combinations of elements, a comparison can easily be made between the cost of internal manufacturing and the cost of external manufacturing.,

Applicants respectfully submit that the combination of elements as set forth in each of independent claims 1 and 21 is not disclosed or made obvious by the prior art of record, including Evans et al.

First of all, the Examiner concedes that Evans et al. fails to disclose an external source (supplier). The Examiner then asserts that cost factor data independently supplied from an external supplier using a second input device would be commonly known in the art at the time the invention was made, yet the Examiner has provided no support for such an assertion.

Further, nowhere in Evans et al, is there any hint that the Evans et al. apparatus includes a display device for simultaneously displaying at least two of the plurality of calculated manufacturing costs for the plurality of process series so that the at least two of the plurality of calculated manufacturing costs can be compared.

At least for the reasons explained above, Applicants respectfully submit that the combination of elements as set forth in each of independent claim 1 and 21 is not disclosed or made obvious by the prior art of record, including Evans et al.

Therefore, claims 1 and 21 are in condition for allowance.

The Examiner will note that dependent claims 22 and 23 are added to set forth additional novel features of the present invention. Support for the features included in claims 22 and 23 can be found in paragraphs [0034] and [0044] respectively.

All dependent claims are in condition for allowance due to their dependency from allowable independent claims, or due to the additional novel features set forth therein.

Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. §103(a) are respectfully requested.

CONCLUSION

Since the remaining patents cited by the Examiner have not been utilized to reject claims, but merely to show the state of the art, no comment need be made with respect thereto.

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. It is believed that a full and complete response has been made to the outstanding Office Action, and that the present application is in condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, he is invited to telephone Carl T. Thomsen (Reg. No. 50,786) at (703) 205-8000.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for

*Application No. 09/891,367
Amendment dated February 22, 2005
Reply to Office Action of November 22, 2004*

*Docket No. 0505-0840P
Art Unit: 3627
Page 12 of 12*

any additional fees required under 37 C.F.R. §§1.16 or 1.17, particularly extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By


James M. Slattery
Reg. No. 28,380 #43,368
P. O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

JMS:CTT/fjl/mag

